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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,256

09/05/2004

Terence Stevens

5255

44819

7590

05/03/2006

TERENCE STEVENS
3216 FIELDING PLACE
GREENSBORO, NC 27405

EXAMINER

ARCE DIAZ, MARLON A

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/711,256		STEVENS, TERENCE	
	Examiner		Art Unit	
	Marlon A. Arce-Diaz		3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US Patent No 6,244,611). Davis discloses a bicycle seat harness comprising: a belt strap (12) {belt device in applicant's claim 1 and 6}, a plurality of securing straps (20) {projecting section in applicant's claim 1,6}. It is noticed that the apparatus mentioned above would result in the method to be perform.

3. Claims 1,3,4,5,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Efros (US Patent No 4,161,328). Efros discloses a bicycle comprising: engaging means (100), said engaging means are attached to members (102,104, fig 1A), a strap (94) {belt device / harness device in applicant claims}, said strap is coupled to buckles (96,96a), which in turn are coupled to straps (98,98a), said straps are connected to engaging means (100); wherein, said members are attached to the frame of the bicycle. Referring to claim 4, it is inherent to say that the rider of the bicycle would wear comfortable trousers when riding the bicycle; also, the strap in Efros invention would come into contact with the trousers of a rider, since the strap is placed around the waist area.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Efros (US Patent No 4,161,328) in view of Antonio (US Patent No 6,481,528). Efros discloses a bicycle as mentioned above. Efros fails to mention the buttock straps connected to a left and right loop. However, Antonio discloses a combination utility belt and climbing harness comprising: a load bearing belt (20) positioned around the waist with a waistband (30), said belt has a pair of loops (41) that would be positioned around the legs of a person using the belt (20), said belt also has a steel loop (43) in the rear portion. It would have been obvious for someone skilled in the art at the time the invention was made to change the strap (94) in Efros invention with the belt (20) disclosed by Antonio, in order to have a sturdier support in the belt by having loops around the legs of a user. The belt (20) could be attached to the bicycle through steel loop (43, Antonio) and a strap (98, Efros), wherein, the strap (98) is connected to engaging means (100).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bohlin (US Patent No 3,074,69). Bohlin discloses a device to protect occupant against bodily injury during emergency escape from aircraft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon A. Arce-Diaz whose telephone number is (571) 272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marlon Arce-Diaz

4/27/06

MAA


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600